

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

BRENDA L. MILLENDER

Plaintiff,

v.

CV 99-PT-3208-E

TALLADEGA CITY BOARD OF
EDUCATION

Defendant.

ENTERED
OCT 27 2000

SUPPLEMENTAL MEMORANDUM OPINION

After further consideration of this cause in the light of Lee v. GTE Florida, Inc., 226 F.3d 1249 (11th Cir. 2000) and Chapman v. AI Transport, 2000 WL 1459447 (11th Cir. 2000), the court has concluded that it erred in denying summary judgment with regard to the secretarial and school-to-career positions.

The court's earlier decisions were based on assumed proof of a prima facie claims and incidental evidence. The court failed to consider that the plaintiff had no apparent substantial qualifications for either position and that there is no substantial evidence, other than the prima facie proof, sufficient to create a reasonable inference of intentional discrimination as to either job decision.

Secretarial Position

Plaintiff had never been employed as a secretary. It creates no reasonable inference of discrimination that the defendant continued to look for someone with experience. The person

hired had fourteen years experience in a similar position. There is not a reasonable inference of intentional discrimination.

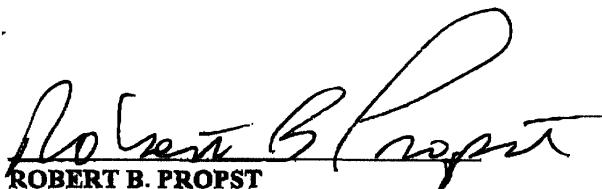
School-to-Career Position

The court likewise concludes that it over-emphasized the "subjective" decision not to interview plaintiff. On reflection, the decision, because of plaintiff's apparent lack of qualifications, may be considered an objective one. In any event, Chapman, to at least some degree, undermines an over reliance on the negative aspect of subjective decisions, particularly where there is a reasonable basis for the decision. Further, there is no evidence that the decision maker was aware of any ethnic factor related to the plaintiff. There is not sufficient evidence to create a reasonable inference of intentional discrimination.

Summary

It is apparent that the plaintiff simply applied for a series of different type jobs as to which she, at best, had only minimal qualifications. She had no accounting, bookkeeping, secretarial or teaching experience or training. The action will be dismissed.

This the 27th day of October, 2000.


ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE